## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:18-cv-50-FDW

AJANAKU MURDOCK,	)	
Plaintiff,	)	
vs.	ORDER	<u> </u>
KEVIN INGRAM, et al.,	)	
Defendants.	)	
	)	

**THIS MATTER** is before the Court on the North Carolina Department of Public Safety's ("NC DPS") sealed Notice, (Doc. No. 15), informing the Court that it has been unable to procure a waiver of service of process for Defendant "FNU Owens."

NC DPS has provided this Defendant's full name as **Nicholas S. Owens** as well as his last known address. The Clerk of Court is directed to notify the U.S. Marshal that Defendant Owens needs to be served with the summons and Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendant Owens cannot be served at the addresses provided by the NC DPS, the U.S. Marshal shall be responsible for locating his home addresses so that he may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), "[t]he officers of the court shall issue and serve all process, and perform all duties in such cases"); Fed. R. Civ. P. 4(c)(3) ("At the plaintiff's request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915...."). If the U.S. Marshal is unable to obtain service on Defendant Owens, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose

Defendant's home address to the pro se incarcerated Plaintiff and shall file any document

containing such addresses under seal.

IT IS THEREFORE ORDERED that:

(1) The U.S. Marshal shall use all reasonable efforts to locate and obtain service on

Defendant Owens. If the U.S. Marshal is unable to obtain service on Defendant

Owens, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain

service.

(2) The Clerk is respectfully instructed to substitute **Nicholas S. Owens** for "FNU

Owens" as a party.

(2) The Clerk is respectfully instructed to mail a copy of the Complaint, (Doc. No. 1),

the Sealed Notice containing Defendant's last known addresses, (Doc. No. 15), and

this Order to the U.S. Marshal.

Signed: November 13, 2018

Frank D. Whitney

Chief United States District Judge